THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 7507 of 2007

Dated: 12.04.2007

Between:

M. Krishna.

..... PETITIONER

AND

The Depot Manager, APSRTC,
Jangareddigudem Depot,
West Godavari District.

.....RESPONDENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 7507 of 2007

Order:

This writ petition is filed seeking to declare the action of the respondent-APSRTC in not protecting the pay scale and service benefits of the petitioner as contemplated under Section 47 of Act 1 of 1996, Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, as illegal and arbitrary, and consequently to direct the respondent-APSRTC to protect the pay scale and service benefits of the petitioner from 17.03.2000 to 01.04.2005 i.e., from the date of his medical unfitness till the date of providing him alternative post as Shramik.

The petitioner states that while he was working as Driver in the respondent-APSRTC, as he was forcibly retired from service on medical grounds, vide office orders, dated 08.08.2002, without providing any alternative employment, he filed W.P. No. 13497 of 2004 seeking to direct the respondent-APSRTC to provide him alternative employment, and this Court, by order dated 02.08.2004, disposed of the said writ petition with a direction to the respondent-APSRTC to pass appropriate orders regarding the employment of the petitioner in a suitable post. In pursuance of the said orders, the petitioner was provided alternative post as Shramik, vide proceedings dated 31.03.2005 and he was posted at Jangareddygudem Depot. It is the case of the petitioner that though the respondent-APSRTC, in pursuance of the orders of this Court, provided him alternative post as

Shramik, they failed to protect his pay and service benefits as contemplated under Section 47 of Act 1 of 1996. Therefore, he made a representation, dated 21.06.2006, requesting the respondent-APSRTC to protect his pay and service benefits, but so far no orders thereon have been passed. Hence, he filed the present writ petition.

Heard the learned counsel for the petitioner and the Learned Standing Counsel for the respondent-APSRTC. Both the counsel agreed for disposal of the writ petition with a direction to the respondent-Depot Manager, to consider and dispose of the representation of the petitioner, dated 21.06.2006.

Since the representation, dated 21.06.2006, of the petitioner for protection of his pay and service benefits, is said to be pending consideration before the respondent-APSRTC, and in view of the agreed stand taken by both the counsel, I deem it appropriate to dispose of the writ petition with the following directions:

The respondent, namely the Depot Manager is directed to consider the representation of the petitioner, dated 21.06.2006, and pass appropriate orders thereon in accordance with law, expeditiously, preferably within a period of three months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 12.04.2007
Nsr